
TITLE 312 NATURAL RESOURCES COMMISSION

**Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #13-24**

September 10, 2013

Representative Jeffrey Thompson, Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman, AROC Counsel

Re: Fish and Wildlife Permitting Rule Amendments, LSA Document #13-24

Dear Representative Thompson,

On behalf of the Natural Resources Commission (the "Commission"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#). Pursuant to [IC 14-10-2-4](#), the Commission adopts rules, other than emergency rules, for the Department of Natural Resources (the "DNR"). The notice is sought because the Commission has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

On November 20, 2012, the Commission preliminarily adopted rule language governing the management of fish and wildlife, particularly relating to various types of permitting. The Commission caused the posting of its Notice of Intent to Adopt a Rule for the captioned document on January 16, 2013 (DIN: [20130116-IR-312130024NIA](#)). As specified by Executive Order 2-89 and Financial Management Circular 2010-4, fiscal analyses associated with the rule proposal were submitted, along with a copy of the proposed rule language, a copy of the posted notice of intent and other required documents, to the Indiana Office of Management and Budget (the "OMB") on February 25, 2013. The OMB approved the submitted fiscal analyses on August 9, 2013.

Following the OMB's August 9, 2013, approval, it remains necessary for the Commission to schedule a public hearing in compliance with [IC 4-22-2-26](#). The public hearing may not be conducted until twenty-one (21) days after providing notice of the public hearing and posting the proposed rule language in accordance with [IC 4-22-2-24](#). Compliance with these requirements dictates that the proposed rule cannot be considered for final adoption by the Commission until, at the earliest, its regular meeting scheduled for November 19, 2013. Following final adoption of the proposed rule by the Commission, the Indiana Attorney General must be provided forty-five (45) days for review as specified at [IC 4-22-2-32](#) and under [IC 4-22-2-34](#) the Office of the Governor must be afforded fifteen (15) days for approval or disapproval of the rule, which time may be extended to thirty (30) days.

The Commission will expeditiously pursue the promulgation of the captioned rule, but under the circumstances it is necessary to extend the time for completing that process. The expected date the rule will be approved or deemed approved by the Governor or withdrawn under [IC 4-22-2-41](#) is June 1, 2014.

This notice is submitted in a timely manner. September 23, 2013 is the 250th day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Bryan W. Poynter, Chair
Natural Resources Commission

Posted: 10/09/2013 by Legislative Services Agency
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